

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
SPRING VALLEY BRANCH; JULIO
CLERVEAUX; CHEVON DOS REIS; ERIC
GOODWIN; JOSE VITELIO GREGORIO;
DOROTHY MILLER; HILLARY MOREAU;
and WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL
DISTRICT and MARYELLEN ELIA, IN
HER CAPACITY AS THE
COMMISSIONER OF EDUCATION OF
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

**EXPERT DECLARATION OF WILLIAM S. COOPER IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO THE DISTRICT'S PROPOSED REMEDIAL PLAN
AND IN SUPPORT OF PLAINTIFFS' PROPOSED REMEDIAL PLAN**

William S. Cooper, pursuant to the provisions of 28 U.S.C. § 1746, declares as follows:

I. INTRODUCTION

1. I respectfully submit this declaration in support of Plaintiffs' proposed remedial plan.
2. I have been retained by Latham & Watkins LLP and the New York Civil Liberties Union Foundation, counsel for Plaintiffs in the above-captioned litigation, to prepare an expert opinion regarding the demographics, population, and redistricting proposals for the East Ramapo Central School District located in Rockland County, New York.
3. I filed an initial declaration in this case on December 8, 2017 in support of Plaintiffs' motion for a preliminary injunction. ECF No. 33. I also submitted an expert report in this case on

September 14, 2018 (“Cooper Report”), which is annexed to this Declaration as **Exhibit A**. I also testified at trial in White Plains, New York on February 13, 2020 and February 14, 2020.

4. An updated summary of my redistricting and demographic work is attached as **Exhibit B**. Since I submitted my expert report in September 2018, a redistricting plan I developed for a 2019 consent decree involving the Jefferson County, Alabama Board of Education was adopted. Also, in 2019, the Change of Form of Government Study Committee in Grand County, Utah voted to place a county commission redistricting plan I developed on the ballot for voter approval in November 2020.

5. I file this declaration to present information relating to the remedial plans proposed by the Defendants (“Illustrative Plan 2”) and the Plaintiffs (the “2020 Plan”). I developed Illustrative Plan 2 in August 2018 (Cooper Report ¶¶ 68-86). I developed the 2020 Plan for the Plaintiffs in July 2020. To develop the 2020 Plan, I used the geographic information system software package called *Maptitude for Redistricting* (“Maptitude”) based on data from the 2014-2018 American Community Survey (“ACS”) and the 2010 Census PL94-171 file. I dedicated 15 hours to developing the 2020 Plan, which, based on my experience, is consistent with the standard time required to develop such plans in voting rights cases.

6. The remainder of this declaration is organized as follows: **Section II** summarizes my conclusions pertaining to the remedial plans. **Section III** provides updated demographics for the District – specifically relating to post-2010 changes in population and citizen voting age population (“CVAP”). **Section IV** examines Illustrative Plan 2. **Section V** reviews the 2020 Plan.

II. REMEDIAL PLAN ANALYSIS SUMMARY

7. Illustrative Plan 2, proposed by the Defendants as a remedy, is a 9-single-member ward plan that I developed to demonstrate that the *Gingles* 1 precondition could be met. Illustrative

Plan 2, which was created using estimates from the 2012-2016 ACS, contains four majority-minority wards representing the combined majority-Black plus Latino citizen voting age population (“B+LCVAP”).

8. However, as a result of recent demographic changes within East Ramapo Central School District (the “District”), Illustrative Plan 2 can no longer serve as a viable remedial plan. According to a disaggregation of block group-level data from the Special Tabulation of the 2014-2018 ACS¹ (released by the Census Bureau in 2020), just two of the nine wards in Illustrative Plan 2 are majority-B+LCVAP.

9. Due to these demographic changes, in consultation with counsel for the Plaintiffs, I developed an alternative 9-single-member ward plan – the 2020 Plan. The 2020 Plan features three majority-minority wards – each of which is majority-Black CVAP (“BCVAP”), and thus also B+LCVAP-majority, according to the 2014-2018 ACS.

III. POST-2010 DEMOGRAPHICS

A. Population – 2010 (Census) to 2019 (Estimates)

10. The population of the District in 2010 was 113,031, according to the decennial Census (Cooper Report ¶¶ 16-17). The Census Bureau does not release post-2010 estimates for school districts under the annual Population Estimates Program (“PEP”).²

11. However, population estimates from the 1-year 2018 ACS, which are sample-based and therefore less reliable than the PEP, indicate that the 2018 population of the District is 127,047, which translates into an overall population gain of 12.4% since 2010.

¹ <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.2018.html>.

² <https://www.census.gov/programs-surveys/popest/about.html>.

12. **Figure 1** updates the table in my expert report (Cooper Report ¶ 26 (Figure 7)), with 2019 PEP estimates for incorporated places that are wholly or partly in the District.

**Figure 1: East Ramapo Central School District Population Change
by Town/Village (2010 to 2019)**

Town/Village	2010 Pop.	% of Total 2010 Pop. within East Ramapo	July 1, 2019 Pop. Estimate	% Pop. Change 2010 to 2019
<i>Ramapo Town</i>	126,595	77.40%	137,406	8.5%
Airmont	8,628	30.49%	8,786	1.8%
Chestnut Ridge	7,916	100.00%	8,020	1.3%
Kaser	4,724	100.00%	5,368	13.6%
New Hempstead	5,132	100.00%	5,410	5.4%
New Square	6,944	100.00%	8,763	26.2%
Pomona	3,103	95.04%	3,262	5.1%
Spring Valley	31,347	100.00%	32,261	2.9%
Wesley Hills	5,004	88.91%	5,919	18.3%
Village Subtotal	72,798	64.41%	77,789	6.9%

13. The Census Bureau estimates that there has been growth across all of the incorporated places in the District this decade, with double-digit growth in the predominantly non-Hispanic White villages of Kaser, New Square, and Wesley Hills.

B. Citizen Voting Age – 2010 - 2016 (survey midpoints of 5-year ACS)

14. Sample-based estimates of the citizen voting age population by race and ethnicity for the District are available from the 5-year ACS, which allows for percentage comparisons over the course of the decade. **Figure 2** below shows CVAP percentages in the District according to the 5-year ACS estimates for 2008-2012 (with a survey mid-point coincident with the decennial

Census), 2012-2016 (as reported in my expert report (Cooper Report ¶ 21)), and 2014- 2018 (the most recent 5-year survey available).

Figure 2: East Ramapo Central School District

CVAP by Race/Ethnicity in the 2010s

	2008-12 ACS	2012-2016 ACS	2014-2018 ACS
% Latino CVAP	9.4%	9.1%	8.5%
% NH Black CVAP	22.2%	24.1%	23.4%
% NH Asian CVAP	4.8%	4.5%	4.4%
% NH White CVAP	62.5%	61.4%	62.2%
% Minority CVAP	37.5%	38.6%	37.8%

15. Overall, since the start of the decade (2008-2012 ACS), the District-wide CVAP by race percentages have held relatively constant. But it is important to note that the most recent 5-year CVAP data available (2014-2018) is a lagging indicator, with a survey midpoint of July 2016. Some of the population change reflected in the 2019 village population estimates in **Figure 1** is not fully recognized in the citizenship estimates.

16. As shown in **Figure 3** (below), CVAP percentages for incorporated and unincorporated places in the area where majority-minority districts can be drawn exhibited some volatility over the course of the decade.

Figure 3: Places in East Ramapo Central School District**CVAP by Race/Ethnicity in the 2010s**

	2014-2018			
Place	% LCVAP	% BCVAP	% ACVAP	% NHWCVAP
Chestnut Ridge	10.1%	18.3%	5.7%	63.6%
Hillcrest CDP	14.6%	54.0%	13.9%	15.9%
Monsey CDP	1.2%	3.8%	0.0%	94.9%
Nanuet CDP	11.7%	13.7%	11.8%	60.3%
New City CDP	8.6%	8.1%	9.7%	72.4%
New Hempstead	3.7%	26.0%	3.4%	66.8%
Spring Valley	13.1%	44.9%	3.3%	37.7%
	2012-2016			
Place	% LCVAP	% BCVAP	% ACVAP	% NHWCVAP
Chestnut Ridge	10.8%	19.9%	4.8%	63.4%
Hillcrest CDP	15.3%	57.7%	9.3%	16.0%
Monsey CDP	1.3%	5.5%	0.3%	92.4%
Nanuet CDP	12.0%	11.3%	11.3%	63.4%
New City CDP	8.0%	7.3%	9.9%	73.5%
New Hempstead	12.0%	16.1%	6.6%	65.0%
Spring Valley	10.8%	50.1%	2.3%	35.6%
	2008-2012			
Place	% LCVAP	% BCVAP	% ACVAP	% NHWCVAP
Chestnut Ridge	8.2%	17.2%	10.7%	62.4%
Hillcrest CDP	13.7%	53.2%	12.4%	18.4%
Monsey CDP	2.4%	0.8%	0.3%	95.6%
Nanuet CDP	7.6%	12.6%	10.2%	69.1%
New City CDP	7.3%	5.1%	8.1%	78.6%
New Hempstead	14.3%	15.1%	9.9%	60.3%
Spring Valley	15.4%	45.9%	3.8%	33.7%

17. The CVAP volatility is particularly pronounced in Spring Valley (2019 estimated pop. – 32,261), where the BCVAP jumped from 45.9% according to the 2008-12 ACS to 50.1% according to the 2012-2016 ACS, and then dropped to 44.9% BCVAP, according to the 2014-2018 ACS. Over the same period, NH White CVAP in Spring Valley climbed from 33.7% to 37.7%.

18. On the other hand, during this decade, BCVAP has increased north of Spring Valley in the less populous region of New Hempstead (2019 estimated pop. – 5,410). In the 2008-2012 ACS, New Hempstead had a 15.1% BCVAP. By the 2014-2018 ACS, the New Hempstead BCVAP had increased to 26.0%. The BCVAP gains in New Hempstead, however, were offset by a plunge in LCVAP from 14.3%, under the 2008-2012 ACS, to 3.7% under the 2014-2018 ACS, and a corresponding increase in NH White CVAP from 60.3% to 66.8%.

IV. ILLUSTRATIVE PLAN 2 ANALYSIS

19. Internal CVAP shifts in Spring Valley over the course of the decade explain why Illustrative Plan 2 is not a viable remedial plan going forward. According to the 2010 Census, Spring Valley encompasses about a quarter of the population in the District, with more than two-thirds of the District's minority population (Cooper Report ¶ 25 (Figure 6)). Thus, minority CVAP changes in Spring Valley have a direct and significant impact on voting strength in potential minority-majority districts.

20. **Figure 4** (below) updates CVAP estimates for Illustrative Plan 2 (Cooper Report ¶ 72 (Figure 18)) comparing the 2014-2018 ACS to the 2012-2016 ACS. The side-by-side comparison for the two time periods reveals a decrease in B+LCVAP in all four majority-minority Districts in Illustrative Plan 2, and Districts 3 and 4 drop below 50% B+LCVAP, according to the 2014-2018 ACS.

Figure 4: Illustrative Plan 2**2014-2018 ACS vis-à-vis 2012-2016 ACS**

Ward	2014-2018 ACS					2012-2016 ACS			
	% NH Black CVAP	% Latino CVAP	% NH White CVAP	% B + L CVAP		% NH Black CVAP	% Latino CVAP	% NH White CVAP	% B + L CVAP
1	56.43%	7.56%	16.87%	63.99%		57.22%	14.73%	17.59%	71.95%
2	46.72%	9.57%	28.04%	56.29%		46.16%	17.10%	28.56%	63.26%
3	33.61%	5.47%	47.09%	39.08%		47.15%	9.13%	40.74%	56.28%
4	43.29%	4.76%	41.35%	48.05%		43.25%	10.10%	41.10%	53.35%
5	5.37%	4.41%	81.83%	9.78%		7.83%	9.79%	79.44%	17.62%
6	3.76%	0.74%	95.34%	4.50%		4.58%	1.42%	92.33%	6.00%
7	1.79%	0.83%	95.86%	2.62%		1.11%	2.28%	94.40%	3.39%
8	11.32%	4.03%	75.37%	15.35%		8.08%	8.63%	76.85%	16.71%
9	9.87%	6.13%	75.77%	16.00%		9.10%	8.22%	76.36%	17.32%

21. That Illustrative Plan 2 is not a viable remedial plan is further confirmed by statistics generated by the “Who Are You” (“WRU”) software package employed by Dr. Barreto and Dr. Collingwood for the *Gingles 2* and *Gingles 3* analysis in this lawsuit.

22. Dr. Collingwood prepared a geocoded WRU dataset identifying 59,150 active registered voters who resided in the District in 2019. The WRU dataset was given to me by counsel for the Plaintiffs on June 29, 2020. Using Maptitude, I imported the WRU dataset and exported shapefiles for Illustrative Plan 2 and the 2020 Plan from Maptitude’s native format. I also used a one-step menu item in Maptitude to produce block equivalency files for Illustrative Plan 2 and the 2020 Plan. I subsequently provided the shapefiles and block equivalency files for both plans to Dr. Barreto.

23. **Figure 5** (below) reveals that the WRU 2019 registered voter dataset is generally consistent with the 2014-2018 CVAP estimates. Just two of the wards contain a majority of Black plus Latino registered voters (“B+L Registered”). Under Illustrative Plan 2, Ward 3 (49.7% B+L

Registered) and Ward 4 (48.8% B+L Registered) do not contain a majority-coalition of Black and Latino registered voters – and this is before taking into account projected turnout.³

Figure 5: Illustrative Plan 2

2019 Registered Voters by Race/Ethnicity

Ward	% NH Black Registered	% Latino Registered	% NH White Registered	% B+L Registered
1	52.9%	17.5%	16.5%	70.4%
2	49.9%	15.9%	26.8%	65.8%
3	35.4%	14.4%	45.7%	49.7%
4	36.4%	12.4%	44.1%	48.8%
5	4.3%	4.8%	87.8%	9.1%
6	0.5%	0.9%	98.4%	1.4%
7	1.2%	1.2%	97.1%	2.4%
8	7.4%	6.2%	80.7%	13.6%
9	5.7%	9.5%	80.1%	15.2%

24. **Exhibit C** updates summary statistics for Illustrative Plan 2, with the district-by-district statistics from the 2014-2018 ACS and the WRU dataset.⁴

³ It is my understanding that Dr. Barreto is submitting a declaration which examines turnout-based performance for Illustrative Plan 2 and the 2020 Plan.

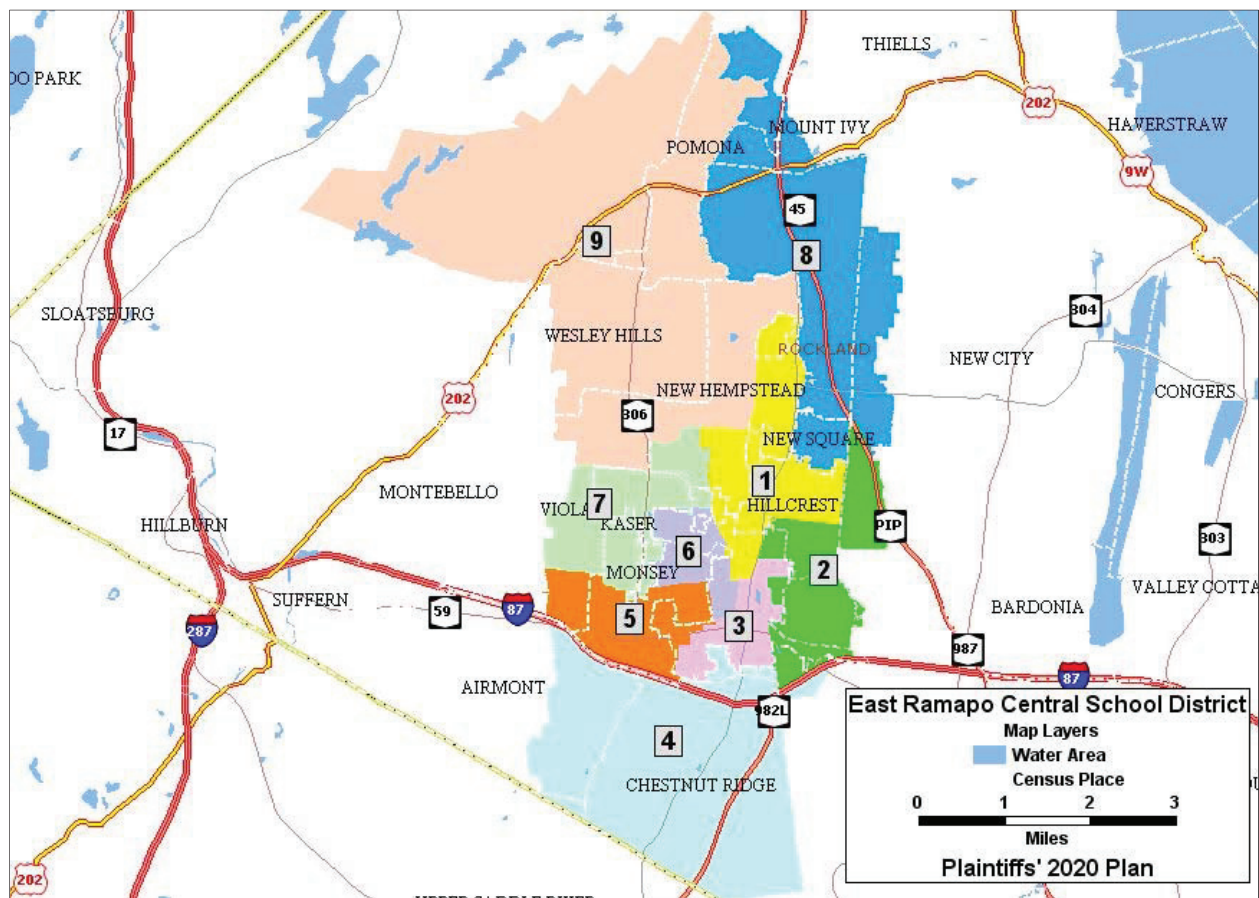
⁴ There are minor differences between CVAP percentages at the District level (**Figure 2**) and block-group to block disaggregations summed to the District level shown in **Exhibit B** because some block groups extend beyond the District's boundaries.

V. THE 2020 PLAN

25. **Figure 6** (below) depicts the 9-single-member ward under the 2020 Plan, with three wards that are majority-BCVAP – Ward 1 (51.63%), Ward 2 (51.82%), and Ward 3 (55.68%). All three wards contain a majority coalition of Black + Latino registered voters as of 2019, based on the WRU dataset – Ward 1 (71.2% B+L Registered), Ward 2 (66.2% B+L Registered), and Ward 3 (73.0% B+L Registered).

Figure 6:

The 2020 Plan



26. The three majority-minority wards are anchored in the predominantly minority communities of Spring Hill and Hillcrest, as well as in minority neighborhoods in Nanuet and New City.

27. The map in **Exhibit D-1** shows street detail of the 2020 Plan. The link below shows the plan in an address searchable Google My Maps map:
https://www.google.com/maps/d/edit?mid=1bB9wh0ZI0WkUFcYwBE_-9K3a8EQQ9Xbu&usp=sharing.

28. The table in **Figure 7** shows summary CVAP and WRU statistics for the 2020 Plan. More detailed population and voter statistics are in **Exhibit D-2**.

Figure 7: The 2020 Plan

CVAP and Registered Voters by District

Ward	2014-2018 ACS					2019 Predicted Registered Voters			
	% NH Black CVAP	% Latino CVAP	% NH White CVAP	% B + L CVAP		% NH Black Registered	% Latino Registered	% NH White Registered	% B+L Registered
1	51.63%	13.09%	19.34%	64.7%		53.5%	17.7%	16.1%	71.2%
2	51.82%	13.13%	25.61%	65.0%		50.4%	15.8%	23.7%	66.2%
3	55.68%	18.15%	25.25%	73.8%		54.7%	19.2%	21.0%	73.9%
4	16.68%	9.84%	65.63%	26.5%		12.2%	8.5%	73.3%	20.7%
5	7.95%	1.59%	87.94%	9.5%		5.8%	1.5%	91.1%	7.3%
6	7.37%	3.68%	87.96%	11.1%		6.3%	4.7%	88.4%	11.0%
7	1.76%	1.22%	97.38%	3.0%		0.7%	0.8%	98.2%	1.5%
8	7.46%	12.12%	73.90%	19.6%		6.6%	10.3%	78.0%	16.8%
9	8.79%	4.57%	81.45%	13.4%		4.6%	4.2%	87.2%	8.9%

29. The 2020 Plan has an overall deviation of 5.21% from the ideal population size, which is slightly lower than the 5.45% overall deviation of Illustrative Plan 2

30. The map in **Exhibit D-3** zooms to show the three majority-minority wards with additional street detail. Place boundaries are depicted with dashed white lines. The map in **Exhibit D-4** overlays public school locations onto the 2020 Plan.

31. **Exhibit D-5** reports population components by place by ward for the 2020 Plan.

32. Ward 1 encompasses nearly 70% of the population in *Hillcrest* (5,224 of 7,558 residents) – including areas north of Eckerson Road and west of Main St. on the south side of Eckerson Road; north central *Spring Valley* (4,467 persons) south to Maple Avenue; plus smaller populations in *Monsey* (144 persons) – east of Twain Avenue, and the east side of *New Hempstead* – southeast of Brick Church Road and east of Summit Park Road (1,538 persons).

33. Ward 2 encompasses about 93% of the District’s portion of *Nanuet* (4,646 persons); about 30% of the population in *Hillcrest* (2,304 persons) in the southeast corner; part of eastern *Spring Valley* (3,181 persons); and areas in *New City* (2,179 persons) – west of Palisades Parkway.

34. All 12,204 persons in Ward 3 live in central and southern *Spring Valley*.

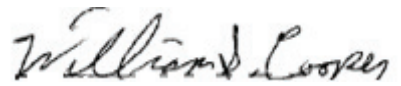
35. The wards in the 2020 Plan are reasonably compact and contiguous. The mean Reock compactness score for the 2020 Plan (**Exhibit D-6**) is .37, which is slightly lower than the .40 Reock score for Illustrative Plan 2. In my experience, the Reock scores for all districts in the 2020 Plan are within the norm. Overall, the 2020 Plan scores higher than the .33 Reock score for the Rockland County Legislature (Cooper Report ¶ 83 and accompanying Exhibit H).

36. The 2020 Plan would limit residents to voting for candidates running to represent their ward, but would not require incumbents to reside in the ward they represent.

37. In my opinion, the 2020 Plan complies with traditional redistricting principles, including one-person one-vote, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. I reserve the right to continue to supplement my report in light of additional facts, testimony and/or materials that may come to light.

Executed on July 25, 2020

A handwritten signature in black ink, reading "William S. Cooper", is positioned above a horizontal line.

WILLIAM S. COOPER